



**CT Corporation**  
**Service of Process Notification**

08/23/2023  
CT Log Number 544573198

### **Service of Process Transmittal Summary**

**TO:** Jim Blaney, Assistant U.S. Counsel  
BRITISH AIRWAYS PLC  
11 W 42ND ST FL 24  
NEW YORK, NY 10036-8002

**RE:** Process Served in Florida

**FOR:** British Airways PLC Corporation (Domestic State: GB)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** MICHELLE CHERRY and VICTOR RODRIGUEZ vs. BRITISH AIRLINES PLC CORPORATION

**CASE #:** 2023019095CA01

**PROCESS SERVED ON:** C T Corporation System, Plantation, FL

**DATE/METHOD OF SERVICE:** By Process Server on 08/23/2023 at 13:36

**JURISDICTION SERVED:** Florida

**ACTION ITEMS:** CT will retain the current log  
Image SOP  
Email Notification, Jim Blaney jim.blaney@ba.com  
Email Notification, Carol O'Rourke carol.orourke@ba.com  
Email Notification, Monica Sintigo monica.sintigo@ba.com

**REGISTERED AGENT CONTACT:** C T Corporation System  
1200 South Pine Island Road  
Plantation, FL 33324  
866-401-8252  
EastTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



## PROCESS SERVER DELIVERY DETAILS

**Date:** Wed, Aug 23, 2023  
**Server Name:** Jamie McPartland

Entity Served	BRITISH AIRWAYS PLC CORPORATION
Case Number	2023019095ca01
Jurisdiction	FL

Inserts		



Filing # 176665566 E-Filed 07/04/2023 06:41:12 AM

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR MIAMI  
DADE COUNTY, FLORIDA

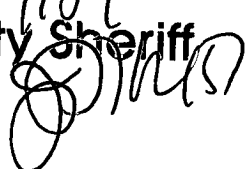
CASE: 2023-019095-CA-01

MICHELLE CHERRY and  
VICTOR RODRIGUEZ,

Plaintiff(s),

v.

BRITISH AIRLINES PLC CORPORATION.  
Defendants.

Date: 8-23-23  
Hour: 11:29  
Deputy Sheriff  


**SUMMONS  
THE STATE OF FLORIDA**

To Each Sheriff of the State:

TO: British Airways PLC Corporation  
C T Corporation/ 1200 South Pine Island Road (registered agent)  
Plantation, FL 33324

Each defendant is required to serve written defenses to the complaint or petition on plaintiff's attorney whose name and address is:

**Victor Rodriguez: 1317 Edgewater DR., #4134 Orlando FL 32804**

within 20 days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

You are commanded to serve this Summons and a copy of the Complaint in this lawsuit on the above-named Defendant.

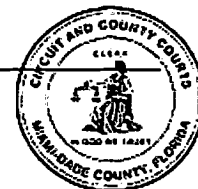
DATED on this 4<sup>th</sup> day of July 2023  
7/12/2023

(SEAL)

Juan Fernandez-Barquin,  
Clerk of the Court and Comptroller

Clerk of the Circuit Court

By:   
Deputy Clerk



Filing # 176596935 E-Filed 07/02/2023 01:16:52 PM

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR MIAMI  
DADE COUNTY, FLORIDA

CASE:

MICHELLE CHERRY and  
VICTOR RODRIGUEZ,

Plaintiff(s),

v.

BRITISH AIRLINES PLC CORPORATION.  
Defendants.

Date: 8-23-23  
Hour: 11:25  
Deputy Sheriff [Signature]

COMPLAINT

THE PLAINTIFF(s), Michelle Cherry and Victor Rodriguez, (hereinafter Plaintiff(s)), *pro se*, sues Defendant, British Airways PLC, Corporation, a foreign corporation (hereinafter Defendant), and states:

1. This is an action for damages only which exceeds the amount of twenty thousand dollars (\$20,000.00), inclusive of interest, costs and attorney's fees.
2. At all times material hereto, the Plaintiff, Michelle Cherry was and is a resident of Miami-Dade County, Florida.
3. At all times material hereto, the Plaintiff, Victor Rodriguez was and is a resident of Miami-Dade County, Florida.
4. At all times material hereto, Defendant, British Airways PLC, Corporation, was/is registered with the State of Florida as a Foreign corporation and maintains a registered agent in the State of Florida.

### **JURISDICTION AND VENUE**

5. Plaintiff re-alleges and incorporates herein by reference, as though separately set forth herein, the allegations contained in paragraphs 1 through 4, inclusive.
6. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs, and attorneys' fees; and in all respects meets or exceeds the jurisdictional requirements of this Court pursuant to Florida Statutes § 26.012.
7. At all times material, Plaintiff, Michelle Cherry, is/was a citizen of the United States and a resident of the State of Florida.
8. At all times material, Plaintiff, Victor Rodriguez, is/was a citizen of the United States and a resident of the State of Florida.
9. At all times material, Defendant, BRITISH AIRWAYS, was registered with the State of Florida as a foreign corporation and maintains a registered agent in this State.
10. At all times material, Defendant, BRITISH AIRWAYS, had "a place of business" in the following location in the United States: 11 West 42nd Street, 24th Floor, New York, NY 10036.
11. This Court has general personal jurisdiction over the Defendant, BRITISH AIRWAYS, pursuant to Fla. Stat. §48.193(1)(a)(1) as the Defendant, at relevant

times, directly, or through its agents, officers or representatives operated, conducted, engaged in or carried on a business venture in the State of Florida or has an office or agency in this State.

12. Venue is proper in this Court pursuant to Fla. Stat. §48.193 because Defendant, BRITISH AIRWAYS PLC Corporation, is engaged in substantial and not isolated activity within the State of Florida and therefore is subject to the jurisdiction of the courts of this State.

13. Wherefore venue is proper before this Honorable Court.

### **FACTUAL BACKGROUND**

9. On February 11<sup>th</sup> 2023 the Plaintiff's Contracted British Airways under Reference Number LDSQIM a flight from EDI-Edinburgh to LHR London Heathrow with final destination MAD-Madrid.

10. The Plaintiffs only purpose of the travel was to make a presentation to a client who would solidify the Plaintiffs economic position for the rest of the year.

11. Instead not only was the flight delayed but the luggage containing everything for the presentation did not arrive until days later. This caused the failure to be able to present to the client the presentation and hence loss the client. This led to a tremendous economic windfall.

12. The Employees at the EuroStars Central Hotel will attest to all these facts.

13. As of today British Airways has been unresponsive, therefore has led to the filing of the instant Suit. Attached as Exhibits are the documents being attested to.

**ALLEGATIONS**

**COUNT I**

**NEGLIGENCE**

14. Plaintiff realleges and incorporates by reference paragraphs 1-13 as if fully set forth herein.

15. At all times material, Defendant, BRITISH AIRWAYS, owed a duty to Plaintiffs, to provide air carriage with the highest degree of care so as to prevent injury of any kind and to facilitate exactly was expressed to the Plaintiffs when the Defendant entered into a contractual obligation with the Plaintiffs upon receiving payment.

16. Defendant, BRITISH AIRWAYS, by and through the acts of its employees or agents was negligent and breached the aforementioned duty by:

- a. Failing to adhere to the needs of the Plaintiffs once the incident occurred;
- b. Failing to properly oversee it's sub-contractors until the travel was finalized;
- c. Failing to offer any assistance nor compensation whilst the Plaintiffs were suffering losses;
- d. Failing completely as to the promise they made when accepting payment and entering inter a contract with the Plaintiffs.
- e. Failing in Professionalism even after the Plaintiffs filed their claim (Claim/Case # 25168376), no assistance at all,

17. As a direct proximate result of the subject incident, Plaintiff suffered mental anguish, loss of capacity for the enjoyment of life, aggravation of pre-existing conditions, lost of income, and other general and special damages. The losses are either permanent or continuing in nature, and Plaintiff will suffer the losses in the future.

## **COUNT II**

### **VIOLATION OF FLORIDA'S DECEPTIVE AND UNFAIR TRADE PRACTICES ACT**

(FLA. STAT. §§ 501.201 – 501.213) ["FDUTPA"] Plaintiff re-alleges, and adopts by reference herein, Paragraphs 1-17 above, and further alleges:

18. Chapter 501, Fla. Stat., Florida's Deceptive and Unfair Trade Practices Act is to be liberally construed to protect the consuming public, such as Plaintiff in this case, from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce.

19. Plaintiff is a consumer within the meaning of Fla. Stat. § 501.203(7).

20. Defendants engaged in trade and commerce within the meaning of Fla. Stat. § 501.203(8).

21. While FDUTPA does not define "deceptive" and "unfair," it incorporates by reference the Federal Trade Commission's interpretations of these terms. The FTC has found that a "deceptive act or practice" encompasses "a representation, omission or practice that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer's detriment."

22. Defendants failed to inform Plaintiff that they were not responsible for any liabilities even though they represented themselves as such in order to induce the Plaintiff to conduct business with the defendant.

23. As a result of Defendants' deceptive trade practices, Plaintiff was deceived into paying for services that that were not rendered specifically safe guarding Plaintiff's items – thus causing Plaintiff significant economic damage.



24. The materially false statements and omissions as described above; and the fact that Defendants perpetrated upon Plaintiff a sham transaction; were unfair, unconscionable and deceptive practices perpetrated on Plaintiff which would have likely deceived a reasonable person under the circumstances.

25. Defendants, through their own advertising, were on notice at all relevant times that the false representations concerning their ability to perform interior design services were being communicated to prospective customers.

WHEREFORE, Plaintiffs Michelle Cherry and Victor Rodriguez, demand judgment against Defendant British Airlines PLC Corporation., a foreign corporation, for an amount within the jurisdictional limits of this court, including an award of interests and costs. Plaintiff reserves the right to seek leave of court to assess punitive damages against Defendant.

#### **RESERVATION OF RIGHTS**

Plaintiff reserves the right to further amend this Amended Complaint, upon completion of investigation and discovery, to assert any additional claims and any additional damages against Defendant or other parties as may be warranted under the circumstances and as allowed by law.

#### **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury of all issues so triable.

Dated: July 2<sup>nd</sup>, 2023

Respectfully Submitted,  
/s/ Victor Rodriguez  
Victor Rodriguez  
V1rodriguez@bellsouth.net

Filing # 176665566 E-Filed 07/04/2023 06:41:12 AM

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR MIAMI  
DADE COUNTY, FLORIDA

CASE: 2023-019095-CA-01

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THE STATE OF FLORIDA**

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TO: British Airways PLC Corporation  
C T Corporation/ 1200 South Pine Island Road (registered agent)  
Plantation, FL 33324

Each defendant is required to serve written defenses to the complaint or petition on plaintiff's attorney whose name and address is:

**Victor Rodriguez: 1317 Edgewater DR., #4134 Orlando FL 32804**

within 20 days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

You are commanded to serve this Summons and a copy of the Complaint in this lawsuit on the above-named Defendant.

DATED on this 4<sup>th</sup> day of July 2023  
7/12/2023

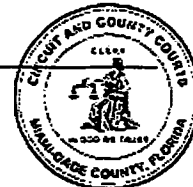
(SEAL)

Juan Fernandez-Barquin,  
Clerk of the Court and Comptroller

Clerk of the Circuit Court

By:

*Calebia Sutton*  
38213  
Deputy Clerk



Broward Sheriff's Office Civil Division 2601 West Broward Boulevard Fort Lauderdale,  
FL 33312.

To Whom it May Concern,

I am attaching the complaints, summons and indigent form for service of process if  
you should need anything else let me know.

Thank,

Victor Rodriguez

[V1rodriguez@bellsouth.net](mailto:V1rodriguez@bellsouth.net)

305-943-4500